

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 09-CR-83

RONALD JOHNSON,

Defendant.

ORDER GRANTING REQUEST FOR EVIDENTIARY HEARING

On March 24, 2009, the grand jury returned a three count indictment alleging that Ronald Johnson (“Johnson”) possessed with intent to distribute more than 50 grams of crack cocaine, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A), (Count 1), possessed with intent to distribute MDMA, in violation of Title 21, United States Code 841(a)(1) and 841(b)(1)(C), (Count 2), and possessed a firearm after having been convicted of a felony, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2), (Count 3). (Docket No. 1.) Following Johnson’s arraignment, this court entered a pretrial order establishing April 29, 2009 as the deadline for the filing of pretrial motions. (Docket No. 7.)

Thereafter, the pretrial processing of this case has had a labored history, as reflected in prior recommendations and orders by this court and Judge Stadtmueller. It is not necessary to go over past ground at this time.

On May 22, 2009, Judge Stadtmueller entered an order re-referring this case to this court. Unfortunately, this court was not referred on the ECF system, nor was this court otherwise notified of Judge Stadtmueller’s action. Accordingly, no action was taken on this case until this court

became aware of Judge Stadtmueller's action more than one month later. On June 29, 2009, this court entered a scheduling order instructing Attorney Kovac to resubmit his motion to suppress and comply with Criminal L.R. 12.3. (Docket No. 18.) Johnson's motion was submitted on July 13, 2009, (Docket No. 19), and on July 23, 2009, the government responded, agreeing to Johnson's request for an evidentiary hearing, (Docket No. 20.)

The government agrees that an evidentiary hearing is needed to resolve factual disputes regarding the basis for the initial stop of Johnson's vehicle, the propriety of the statements Johnson made at his residence during the execution of the search warrant, and the propriety of the statements Johnson made at the police station. The court shall grant Johnson's request for an evidentiary hearing.

IT IS THEREFORE ORDERED that an evidentiary hearing shall be held on **August 18, 2009** beginning at **9:00 a.m.** in Courtroom 254 of the United States Courthouse, 517 E. Wisconsin Avenue, Milwaukee, Wisconsin. The court has reserved 2 hours of court time for this hearing.

Dated at Milwaukee, Wisconsin this 29th day of July 2009.

s/AARON E. GOODSTEIN
U.S. Magistrate Judge